

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

Hayward Leon Rogers, #278510,	)	
	)	C/A No.: 8:06-0727-MBS
Plaintiff,	)	
	)	
vs.	)	
	)	<b>ORDER</b>
Lt. Brinkley,	)	
	)	
Defendant.	)	
	)	

Plaintiff Hayward Leon Rogers is an inmate in custody of the South Carolina Department of Corrections who currently is housed at the McCormick Correctional Institution in McCormick, South Carolina. Plaintiff, appearing pro se, brings this complaint pursuant to 42 U.S.C. § 1983, alleging that his constitutional rights have been violated in certain respects.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Bruce H. Hendricks for pretrial handling. The Magistrate Judge issued a Report and Recommendation on March 14, 2006 in which she recommended that the complaint be summarily dismissed because Plaintiff previously has filed more than three cases that were dismissed and deemed a “strike” under 28 U.S.C. § 1915(g). The Magistrate Judge noted that Plaintiff does not allege facts that would cause the complaint to fall within the imminent physical harm exception provided by the three strikes rule. Plaintiff filed no objections to the Report and Recommendation.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo determination of any portions of the Report and Recommendation to which a specific objection is

made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of objections to the Report, this court is not required to give any explanation for adopting the recommendation. Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

The court has thoroughly reviewed the record. The court concurs in the Report and Recommendation of the Magistrate Judge and incorporates it herein by reference. The case is summarily dismissed pursuant to the “three strikes” rule of 28 U.S.C. § 1915(g).

**IT IS SO ORDERED.**

/s/ Margaret B. Seymour  
United States District Judge

April 25, 2006

Columbia, South Carolina

**NOTICE OF RIGHT TO APPEAL**

**Plaintiff is hereby notified that he has the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.**